

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44411 of 2023

Arising Out of PS. Case No.-781 Year-2022 Thana- GARDANIBAG District- Patna

Raushan Kumar, Son of Nathuni Singh, R/O Village – Jaffarpatti, P.S.-
Rajapakar, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanchan Kumari, Adv.

Mr. Gopesh Raj, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Learned counsel for the petitioner is permitted to file the hard copy of the supplementary affidavit before this Court regarding the criminal antecedents of the petitioner, of which the soft copy has already been filed. Let it be kept on record.

3. Learned counsel for the petitioner is permitted to make necessary correction in para 14 of the petition with regard to custody date of the petitioner in course of the day.

4. Petitioner seeks regular bail in connection with Gardanibagh P.S. Case No. 781 of 2022 dated 21.12.2022 registered for the offence punishable under Section 379 of the Indian Penal Code.



5. The main submissions advanced by learned counsel for the petitioner are that the instant matter relates to theft of a vehicle (*Scorpio*) and the petitioner's name came into light in the confessional statement of co-accused Nikhil Mishra @ Nikhil Kumar Mishra, who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 38502/2023 and initially, the petitioner was arrested in Gardanibagh P.S. Case No. 73 of 2023 and thereafter he was remanded in the present matter and except the statement of co-accused Nikhil Mishra @ Nikhil Kumar Mishra, there is no material to connect the petitioner to the alleged offence of theft. Further submissions are that the alleged stolen vehicle was not recovered from the conscious possession of this petitioner after he was taken into custody in the present matter, though against him there are criminal antecedents of four cases but he has got bail in all the said cases and in the present matter he has been languishing in jail since 06.03.2023 and against him the investigation has been completed and the alleged offence is triable by the First Class Magistrate.

6. Learned APP appearing for the State has opposed the bail prayer.

7. Considering the above submissions and mainly



taking into account the privilege of bail to co-accused Nikhil Mishra @ Nikhil Kumar Mishra, on whose statement the petitioner's role in the alleged crime has surfaced as per above submission and also taking into account the completion of the investigation against this petitioner, this Court is inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Gardanibagh P.S. Case No. 781 of 2022.

(Shailendra Singh, J)

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